

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

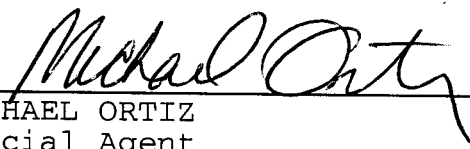
'08 MJ 8152

1	UNITED STATES OF AMERICA,)	Magistrate's Case No.:
2)	
3	Plaintiff,)	COMPLAINT FOR VIOLATION OF
4)	
5	v.)	Title 21, U.S.C., § 841(a)(1)
6)	Possession with Intent to
7	Raul GUTIERREZ-Villalobos)	Distribute (Felony)
8)	
9	Defendant.)	
10)	

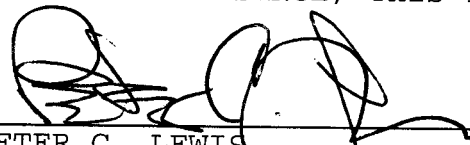
The undersigned complainant being duly sworn states:

That on or about February 19, 2008, within the Southern District of California, defendant Raul GUTIERREZ-Villalobos did knowingly and intentionally possess, with intent to distribute approximately 1,823.43 kilograms (4,019.9 pounds) of marijuana, Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.


MICHAEL ORTIZ
Special Agent
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19TH DAY
OF FEBRUARY, 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 **v.**

3 **Raul GUTIERREZ-VILLALOBOS**

4 **STATEMENT OF FACTS**

5 This Statement of Facts is based on the reports, documents and
6 notes furnished to Drug Enforcement Administration Special Agent
7 Michael Ortiz.

8 On February 19, 2008, Border Patrol Agent C. Zepeda was assigned
9 at the Highway 111 Checkpoint near Niland, California. At
10 approximately 10:30 P.M., while Agent Zepeda was conducting primary
11 inspection, a green 1999 Kenworth W900 tractor trailer approached the
12 checkpoint. Agent Zepeda identified himself as a United States Border
13 Patrol Agent. Agent Zepeda asked GUTIERREZ-VILLALOBOS for the proper
14 paper work for the cargo that GUTIERREZ-VILLALOBOS was hauling. Agent
15 Zepeda noticed GUTIERREZ-VILLALOBOS was getting nervous when looking
16 for the paper work. GUTIERREZ-VILLALOBOS began looking for his paper
17 work in the sleep cab of the truck. Agent Zepeda observed GUTIERREZ-
18 VILLALOBOS looking for the paperwork on the bedding material and
19 underneath the bed itself. At this point, Agent Zepeda referred the
20 tractor trailer to secondary inspection.

21 In secondary inspection, Agent Zepeda asked GUTIERREZ-VILLALOBOS
22 to search the trailer with a service canine. GUTIERREZ-VILLALOBOS
23 consented to the search. GUTIERREZ-VILLALOBOS was unable to produce
24 the paperwork for the cargo that was being hauled. The service canine
25 alerted to the back of the trailer and to the front left corner near
26 the refrigeration unit. Agent Zepeda noticed that the trailer was
27 locked with a CBP Bolt seal. Agent Zepeda conducted a search of the
28 trailer which revealed 332 bundles wrapped in brown packaging tape
29

1 laced with a greasy substance that contained a green-leafy substance.
2 The green-leafy substance was then tested using a NIK testing kit and
3 it tested positive for the properties of marijuana. A total of 4,019
4 pounds (1,823.43 kilograms) of marijuana was recovered from the
5 trailer. This was the only cargo that was present in the trailer.